

ESTTA Tracking number: **ESTTA543168**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209623
Party	Defendant Gallo Lea Organics, LLC
Correspondence Address	GALLO LEA ORGANICS, LLC 9 INGLEWOOD RD ASHEVILLE, NC 28804-1633  tserbin@nmapc.net
Submission	Answer
Filer's Name	Todd Allen Serbin
Filer's e-mail	tserbin@nmapc.net
Signature	/TAS/
Date	06/14/2013
Attachments	10652-0070 Answer to Notice of Opposition as filed.pdf(422021 bytes ) 10652-0070 Answer Exhibit A.pdf(716904 bytes ) 10652-0070 Answer Exhibit B.pdf(2983459 bytes ) 10652-0070 Answer Exhibit C.pdf(5010466 bytes ) 10652-0070 Answer Exhibit D.pdf(83799 bytes ) 10652-0070 Answer Exhibit E.pdf(128799 bytes ) 10652-0070 Answer Exhibit F.pdf(77654 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

E. & J. GALLO WINERY

Opposer,

v.

Opposition No. 91209623  
Application No. 85/635,364  
Publication Date: November 6, 2012  
Mark: GALLOLEA

GALLO LEA ORGANICS, LLC

Applicant.

\_\_\_\_\_ /

**ANSWER TO NOTICE OF OPPOSITION**

Gallo Lea Organics, LLC (hereinafter “Applicant”), by and through undersigned counsel, answers the Notice of Opposition filed by E. & J. Gallo Winery (hereinafter “Opposer”) as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition and therefore denies same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition and therefore denies same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Notice of Opposition and therefore denies same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition and therefore denies same.

5. Applicant admits that the subject application of this Opposition is Ser. No. 85/635,364 for “kits comprised of ingredients for preparing pizza”, in International Class 030.

6. Applicant admits that the Applicant filed U.S. App. Ser. No. 85/635,364 on or about May 25, 2012 and that the application is based on actual use.

7. Denied.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8 of the Notice of Opposition and therefore denies same.

9. Applicant admits that the Applicant intends to use GALLOLEA in connection with kits comprised of ingredients for preparing pizza. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation that wine and pizza are often a favored pairing and therefore denies same. Applicant denies the remaining allegations of paragraph 9, particularly as applied to Applicant’s products which are vegan.

10. Denied.

#### **AFFIRMATIVE DEFENSES**

11. Opposer fails to state a claim upon which relief can be granted.

## **AMPLIFICATIONS OF DENIALS AND DEFENSES**

12. There are close to 100 live trademark registrations owned by third parties that include “GALLO” or variations thereof as a component of the mark, including 5 that are in International Class 030. Printouts of Trademark Electronic Search System (“TESS”) records for sample registrations in International Class 030 and for food related goods and services are attached hereto as **Exhibit A**. Therefore, Opposer has no exclusive rights to GALLO or variations of GALLO, particularly in International Class 030.

13. The term “GALLO” is used by an incalculable number of third parties in connection with food, including uses in International Class 030, such that Opposer has no exclusive rights to “GALLO” or variations thereof for use in connection with food related goods and services. A representative sample is attached hereto as **Exhibit B**.

14. Opposer’s claims are barred because any trademark rights Opposer may have for food related items are limited to a narrow scope of protection in view of numerous third party users of the same or similar marks as Opposer’s marks and therefore, any rights Opposer may have are not broad enough to cover Applicant’s GALLOLEA mark in International Class 030.

15. The term “GALLO” is used by multiple third parties in connection with numerous goods and services, including audio equipment, clothing, music, mugs, postcards, coffee, and lighting. A representative sample of such third party uses are attached hereto as **Exhibit C**. In light of the numerous third party users in the marketplace of GALLO, including those indicated in Paragraphs 12, 13 and 16, Opposer’s marks are diluted.

16. The term “GALLO” is a foreign language equivalent of rooster or cock in English. A printout from the Italian-English dictionary at WordReference.com is attached



hereto as **Exhibit D**. A search of TESS records for the term “rooster” returns 26 live registrations just in International Class 030 alone, none of which are owned by the Opposer. Printouts of the TESS search results for live “rooster” registrations in International Class 030 are attached hereto as **Exhibit E**. A search of TESS records for the term “cock” returns 11 live third party registrations in International Class 030. Printouts of the TESS search results for live “cock” registrations in International Class 030 are attached hereto as **Exhibit F**. Therefore, Opposer has no exclusive rights to GALLO or variations of GALLO, particularly in International Class 030.

17. No likelihood of confusion exists between Opposer’s marks and Applicant’s mark as the purchases of Applicant’s vegan only goods are careful and sophisticated.

18. No likelihood of confusion exists between Opposer’s marks and Applicant’s mark as all of the goods used in conjunction with Opposer’s marks would be purposely avoided by vegan consumers, particularly in the case of meats and cheeses and wines, where industry standard wine clarifying processes use animal by-products, including eggs, animal blood (in certain countries), and milk protein.

19. No likelihood of confusion exists between Opposer’s marks and Applicant’s mark because they are dissimilar in sight, sound, appearance and connotation.

20. No likelihood of confusion exists between Opposer’s marks and Applicant’s mark as they are for different classes goods.

21. No likelihood of confusion exists between Opposer’s marks and Applicant’s mark as no actual confusion has occurred.

22. There is no live or dead mark on the federal register for GALLOLEA other than that of Applicant. A search for “GALLOLEA” on TESS yields only the Applicant’s

application. Therefore, Applicant's coined, fanciful, and arbitrary mark should be granted registration.

23. Upon information and belief, Opposer has no use, registration, pending application, intent to file an application for, or intent to use any of its GALLO marks for International Class 030 goods, or more specifically, kits comprised of ingredients for preparing pizza.

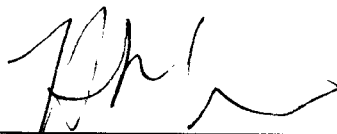
24. Applicant will be irreparably damaged by granting Opposer's opposition in view of the Applicant's continued nationwide use, sustained investment, and development of consumer goodwill in the GALLOLEA mark and in view of Paragraphs 1-23 herein.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed with prejudice and that the Applicant's mark be allowed to proceed to registration on the Principal Register.

Date: June 14, 2013

Respectfully submitted,

**NACHMIAS MORRIS & ALT, P.C.**



Todd Allen Serbin  
Registration No. 45,087  
1201 Main St., Suite 1840  
Columbia, SC 29223  
(803) 312-0060  
(866) 534-3107 facsimile  
[tserbin@nmapc.net](mailto:tserbin@nmapc.net)

Attorneys for Applicant  
Gallo Lea Organics, LLC

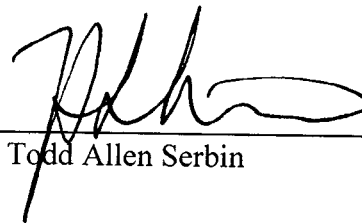
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being served upon Opposer, E. & J. Gallo Winery, by electronic mail and first class mail to counsel for Opposer, as follows:

Steven M. Weinberg  
Holmes Weinberg, PC  
30765 Pacific Coast Highway, Suite 411  
Malibu, CA 90265  
smweinberg@holmesweinberg.com  
msalvatore@holmesweinberg.com

Date: June 14, 2013

By: \_\_\_\_\_

  
Todd Allen Serbin

# **EXHIBIT A**



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**Typed Drawing**

<b>Word Mark</b>	<b>HABAGALLO</b>
<b>Goods and Services</b>	IC 030. US 046. G & S: Hot sauce, picante sauce, pepper sauce, picante salsa and pico do gallo. FIRST USE: 19970512. FIRST USE IN COMMERCE: 19971105
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75562339
<b>Filing Date</b>	September 14, 1998
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 13, 1999
<b>Registration Number</b>	2259676
<b>Registration Date</b>	July 6, 1999
<b>Owner</b>	(REGISTRANT) HABAGALLO, FOODS, INC. CORPORATION TEXAS 2413 DORADO DR. MISSION TEXAS 78574
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 8 (6-YR). SECTION 8(10-YR) 20100107.
<b>Renewal</b>	1ST RENEWAL 20100107
<b>Live/Dead Indicator</b>	LIVE

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# Pico de Gallo

<b>Word Mark</b>	PICO DE GALLO
<b>Translations</b>	The English translation of "PICO DE GALLO" in the mark is ROOSTER'S BEAK.
<b>Goods and Services</b>	IC 030. US 046. G & S: Frozen confections. FIRST USE: 20030707. FIRST USE IN COMMERCE: 20030707
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
<b>Serial Number</b>	77686937
<b>Filing Date</b>	March 10, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Date Amended to Current Register</b>	December 7, 2009
<b>Registration Number</b>	3753445

**Registration Date** February 23, 2010  
**Owner** (REGISTRANT) RASPADOXPRESS, CO. CORPORATION CALIFORNIA 9765 LAUREL CANYON BLVD PACOIMA CALIFORNIA 91331  
**Attorney of Record** Michael N. Cohen  
**Type of Mark** TRADEMARK  
**Register** SUPPLEMENTAL  
**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	PIKOS PIKOSOS HOT PICOSO SAZONADOR ESTILO "PICO DE GALLO" SEASONING "PICO DE GALLO" STYLE
<b>Translations</b>	The English translation of the word "SAZONADOR ESTILO" and "PICO DE GALLO" in the mark is "seasoning hot sauce style".
<b>Goods and Services</b>	(CANCELLED) IC 025. US 022 039. G & S: [T-shirts]. FIRST USE: 19910815. FIRST USE IN COMMERCE: 19910815  IC 030. US 046. G & S: spices and sauces. FIRST USE: 19890809. FIRST USE IN COMMERCE: 19890809
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	01.15.03 - Fire (flames), other than emanating from objects, words, numbers, fireplaces or candles; Flames, other than flames emanating from objects, words, numbers, fireplaces or candles 03.15.03 - Chickens, hens, roosters; Chicks; Hens; Rooster 03.15.24 - Stylized birds and bats 03.17.16 - Heads of birds 26.03.02 - Ovals, plain single line; Plain single line ovals
<b>Serial Number</b>	74268922
<b>Filing Date</b>	April 24, 1992
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A



**Published for Opposition** March 30, 1993  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 1777939  
**Registration Date** June 22, 1993  
**Owner** (REGISTRANT) CHEF MERITO, INC. CORPORATION CALIFORNIA 7915 SEPULVEDA BLVD.  
VAN NUYS CALIFORNIA 91405  
**Attorney of Record** J. Alison Grabell  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOT", "PICOSO", and  
"SEASONING PICO DE GALLO STYLE" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20030820.  
**Renewal** 1ST RENEWAL 20030825  
**Live/Dead Indicator** LIVE

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# MICHEL GALLOYER

### Word Mark Goods and Services

MICHEL GALLOYER

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printing products, namely, laser printing paper, printing type, printing clichés, printing blocks; posters; photographs albums; books in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; printed periodicals in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; printed prospectuses in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; magazines in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; calendars; brochures in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; cards, namely, file cards, holiday cards, index cards, greeting cards; catalogues in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; wrapping paper; advertising signs of paper or cardboard; manuals in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; materials for packaging, namely, envelopes, bags, pouches and sheets for packaging made of paper; materials for packaging, namely, envelopes, bags, pouches and sheets for packaging made of plastic; printed publications, namely, dictionaries, encyclopaedias in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; plastic or paper bags for merchandise packaging; paper or plastic sachets for merchandise packaging; graphic representations; stationery

IC 030. US 046. G & S: Coffee, tea, cocoa, cocoa-based beverages, coffee-based beverages, chocolate-based beverages, tea-based beverages, beverage flavorings other than essential oils; sugar; cocoa products, namely, cocoa powder, cocoa spreads; rice; tapioca; couscous; processed semolina; flour; fine flours; flour and edible food starch; cereal preparations, namely, breakfast cereals, cereal-based snack foods; preparations made from bread crumbs, namely, bread crumbs; breads; gingerbread; bread rolls; pasties; meat pies; farinaceous food for pastes for human consumption; fruit jellies; pastries; petits fours; butter biscuits; confectionery products made with almonds, namely, sugar-coated almonds; almond pastes; confectionery for decorating Christmas trees, namely, gingerbread men cookies; cake flavorings other than essential oils; flavoring and aromatic preparations for use in foods, namely, flavoring syrup, flavoring for beverages, flavorings other than essential oils for cakes; cookies and biscuits; biscuits; sweets; brioches; fruit cakes; chocolates; condiments, namely, pepper sauce, soya bean paste, cocoa based condiments and seasoning for food and drink, chutneys; confectionery, namely, confectionery chips for baking, confectionery for decorating Christmas trees, pastilles, crystal sugar pieces, fondants, frozen confectionery, frozen yoghurts, confectionery ices, fruit jellies, confectionery peanut butter chips, peppermint for confectionery; ice creams; pancakes; spices; ferments for pastes, namely, yeast; fondants; cakes; edible decorations for cakes; cake doughs; cake mix; waffles; ices for refreshment; unprocessed, natural and artificial ices, namely, ices, fruit ices; edible ices; binding agents designed for ices, namely, starch-based binding agents for ice cream; yeast; starter, namely, bread dough; macaroons; chewing gum for non-medical purposes; marzipan; farinaceous foods, namely, starch-based candies; honey; muesli; pizzas; puddings; quiches; salad dressings; sandwiches. sauces; tarts; frozen yoghurts; prepared, frozen and packaged entrees consisting primarily of rice, pasta

IC 041. US 100 101 107. G & S: Educational services, namely, conducting classes in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams, conducting seminars in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; training services in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; practical training, namely, training in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; correspondence courses in the field of cooking and fine bakery, pastries, Viennese pastries, confectionery; entertainment services, namely, live music concerts; cultural activities, namely, art exhibitions; arranging and holding colloquiums, conferences, conventions in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; organization of competitions for cooking, pastry and bakery; television entertainment, namely, entertainment in the nature of on-going television programs in the field of cooking, pastry and bakery; providing online non-downloadable electronic publications in the nature of magazines in the field of bakery, pastry, Viennese pastries, biscuits, food products, chocolates, desserts, ice creams; organization of exhibitions for cultural or educational purposes; publication of books; publication of texts other than publicity texts; on-line electronic publishing of books and online periodicals; film production; videotape editing; editing radio and television programs; photographic reporting

IC 042. US 100 101. G & S: Research services in the food sector; research and development for others in new products in the food sector; consultancy and advice concerning fitting out and installation of bakeries, pastry shops and self-service restaurants, namely, consulting services in the field of interior design

IC 043. US 100 101. G & S: Restaurant services, catering services, catering in the nature of providing a fast-food and all-day service

IC 045. US 100 101. G & S: Legal services in the nature of licensing of bakery, pastry, confectionery, chocolates by franchises, copyright management, granting of intellectual property licenses

**Standard  
Characters  
Claimed**

**Mark  
Drawing  
Code**

(4) STANDARD CHARACTER MARK

**Serial  
Number**

79047144

**Filing Date**

June 8, 2007

**Current  
Basis**

66A

**Original  
Filing Basis**

66A

**Published for  
Opposition**

October 21, 2008

**Registration  
Number**

3557737

**International  
Registration  
Number**

0945902

**Registration  
Date**

January 6, 2009

**Owner**

(REGISTRANT) COMMUNICATION MICHEL GALLOYER Société à responsabilité limitée FRANCE 12 rue de la Gare F-49100 ANGERS FRANCE

**Attorney of  
Record**

WILLIAM C. WRIGHT

**Priority Date**

December 12, 2006

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Other Data**

The name "MICHEL GALLOYER" identifies a living individual whose consent is of record.

**Live/Dead  
Indicator**

LIVE

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## GALLON JUG ESTATE COFFEE

Word Mark	GALLON JUG ESTATE COFFEE
Goods and Services	IC 030. US 046. G & S: Coffee
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77771509
Filing Date	June 30, 2009
Current Basis	44E
Original Filing Basis	44E
Published for Opposition	May 25, 2010
Registration Number	3830430
Registration Date	August 10, 2010
Owner	(REGISTRANT) Bowen & Bowen Ltd. CORPORATION BELIZE #1 King Street Belize City BELIZE
Attorney of Record	Robin C. Vance
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ESTATE COFFEE" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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## Typed Drawing

**Word Mark** GALLONI  
**Goods and Services** IC 029. US 046. G & S: WHOLE LEG [ PROSCIUTTO ] \* PROSCIUTTO \* CRUDO SOLD TO RESTAURANTS, DELIS, GROCERY STORES, AND SUPERMARKETS, AND NOT SOLD IN RETAIL CHANNELS AS PREPACKAGED OR VACUUM SLICED MEAT. FIRST USE: 19601219. FIRST USE IN COMMERCE: 19890904  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75182634  
**Filing Date** October 8, 1996  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** February 10, 1998  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 2384430  
**Registration Date** September 12, 2000  
**Owner** (REGISTRANT) F.LLI GALLONI S.p.A. CORPORATION ITALY Via Roma, 84 43013 Langhirano Parma ITALY  
**Attorney of Record** Perla M. Kuhn  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100414.  
**Renewal** 1ST RENEWAL 20100414

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**Word Mark** EL GALLO GIRO**Translations** The foreign wording in the mark translates into English as the champion fighting rooster.**Goods and Services** IC 035. US 100 101 102. G & S: Retail butcher shops, retail bakery shops, retail tortilla shops, retail grocery stores. FIRST USE: 20051200. FIRST USE IN COMMERCE: 20051200IC 043. US 100 101. G & S: juice bars; restaurants and carry-out restaurant services; catering.  
FIRST USE: 20051200. FIRST USE IN COMMERCE: 20051200**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 03.15.03 - Chickens, hens, roosters; Chicks; Hens; Rooster  
03.15.24 - Stylized birds and bats  
26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles)  
26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges**Trademark Search Facility Classification Code** ANI-BIRDS Accurate depiction of Birds  
SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors**Serial Number** 78716049**Filing Date** September 19, 2005**Current Basis** 1A**Original Filing Basis** 1B**Published for** August 28, 2007

**Opposition****Registration  
Number**

3652672

**Registration  
Date**

July 7, 2009

**Owner**

(REGISTRANT) El Gallo Giro Corporation CORPORATION CALIFORNIA 8141 East Second Street, Suite 414 Downey CALIFORNIA 90241

**Attorney of  
Record**

Rod S. Berman, Esq.

**Prior  
Registrations**

2867843;3006177

**Description of  
Mark**

"The color(s) green, white, red, black, and yellow is/are claimed as a feature of the mark." The colors green, red and white appear in the rectangles in the semicircle; the colors black and yellow appear in the rooster design element; the wording "EL GALLO GIRO" appears in red.

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

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<b>Word Mark</b>	PICO DE GALLO
<b>Translations</b>	The English translation of the phrase "PICO DE GALLO" is "beak of the bird" or "beak of the rooster" or "rooster's beak".
<b>Goods and Services</b>	IC 042. US 100. G & S: restaurant services. FIRST USE: 19910403. FIRST USE IN COMMERCE: 19910503
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
<b>Serial Number</b>	74385054
<b>Filing Date</b>	April 28, 1993
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 30, 1993
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	1823406
<b>Registration Date</b>	February 22, 1994
<b>Owner</b>	(REGISTRANT) MTC, Inc. CORPORATION TEXAS 800 Dolorosa, Suite 204 San Antonio TEXAS 78207
<b>Attorney of Record</b>	William B. Nash

**Prior Registrations** 1763422  
**Description of Mark** Color is not claimed as a feature of the mark.  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL-2(F)  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030725.  
**Renewal** 1ST RENEWAL 20030725  
**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	PICO DE GALLO
<b>Translations</b>	The English translation of the phrase "PICO DE GALLO" is " beak of the bird" or "beak of the rooster" or "rooster's beak". The words can also be used to describe a sauce accompanying some Mexican meals.
<b>Goods and Services</b>	IC 042. US 100. G & S: restaurant services. FIRST USE: 19910403. FIRST USE IN COMMERCE: 19910503
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	74089680
<b>Filing Date</b>	August 20, 1990
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 7, 1992
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	1763422
<b>Registration Date</b>	April 6, 1993
<b>Owner</b>	(REGISTRANT) MTC, INC. CORPORATION TEXAS 800 Dolorosa, Suite 204 San Antonio TEXAS 78207
<b>Attorney of Record</b>	William B. Nash
<b>Description of Mark</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>Type of Mark</b>	SERVICE MARK

**Register** PRINCIPAL-2(F)  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120424.  
**Renewal** 2ND RENEWAL 20120424  
**Live/Dead Indicator** LIVE

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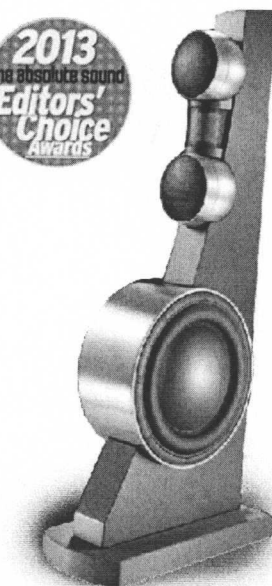
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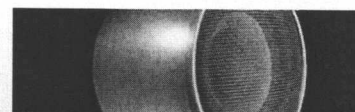
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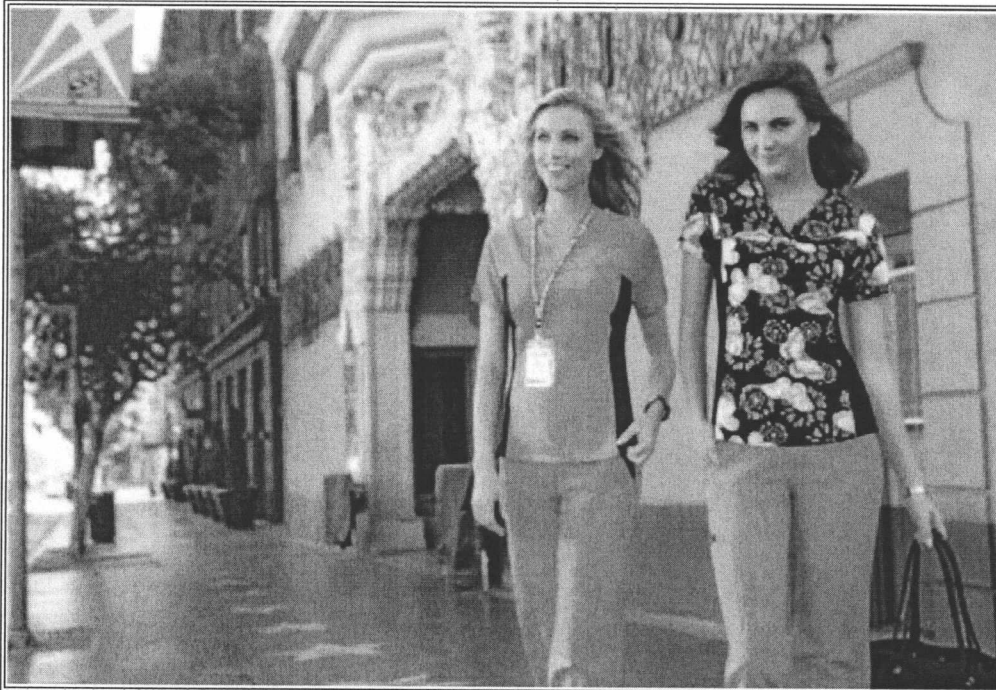
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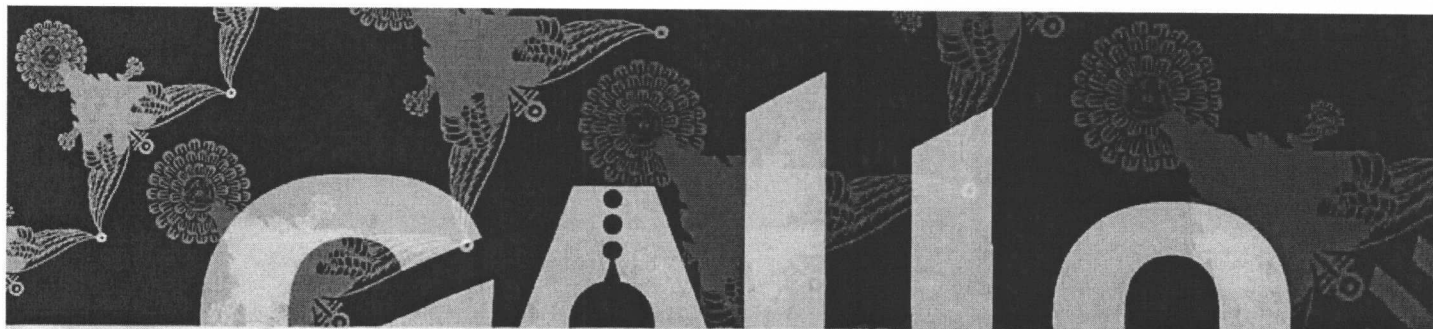
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Style: Classic White Mug \$15.85



Color: White



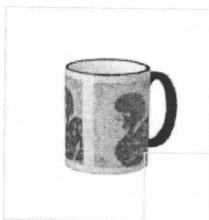
Size: 11 oz

**Classic White Mug**

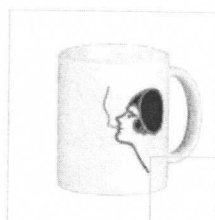
Your favorite photo or funniest saying is a great way to start the day. Use our white mug to showcase your creativity. It has a large handle that's easy to hold and comes in 11oz and 15oz sizes. Dishwasher and microwave safe. Makes a great gift!

**Information from the Designer****Created By** Locknizzy:  
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Gallo Mug, Drink with Gallo!

Rated **G** [Report violation](#)**Other products you might like**

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Vintage Art Deco Woman...



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Front

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4.8 (3411 reviews)

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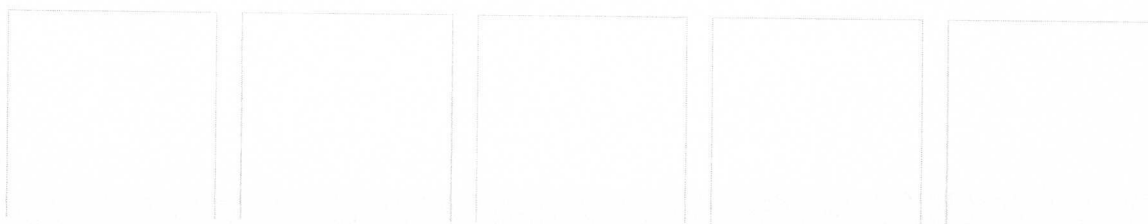
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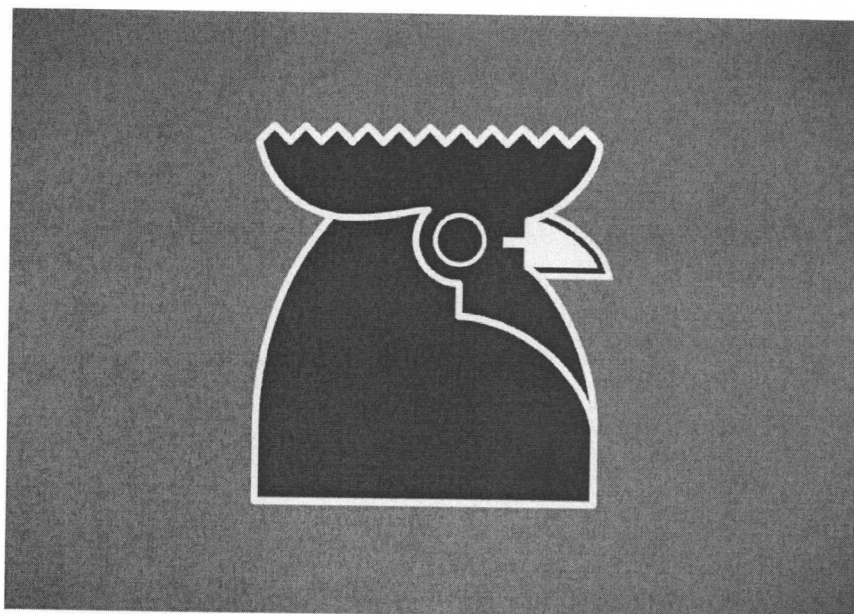
- 4.25" x 5.6" (portrait) or 5.6" x 4.25" (landscape).
- Printed on ultra-heavyweight (120 lb.) card stock with a gloss finish.
- No minimum order.
- Get custom stamps to match!
- Postage rate for a postcard is \$0.32

**Information from the Designer**

Created By coatsofarms:

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## ORGANIC BREAKFAST BLEND

El Gallo offers a soft and round mouthfeel with a mellow acidity, milk chocolate, and a toasted pecan finish.

**\$15.00** / 12 ozSize: Coffee Grind: Quantity: **ADD TO CART**

This coffee is shipping from Chicago, Los Angeles, San Francisco

**TECHNICAL  
Information**

Country	Mexico, Nicaragua
Elevation	1250 - 2000 m
Cultivar	Caturra, Typica, Bourbon

**We also recommend**[\(/product/coffee/el-diablo-dark-roast/\)](/product/coffee/el-diablo-dark-roast/)**El Diablo Dark Roast** [\(/product/coffee/el-diablo-dark-roast/\)](/product/coffee/el-diablo-dark-roast/)\$14.00 [\(/product/coffee/el-diablo-dark-roast/\)](/product/coffee/el-diablo-dark-roast/)[\(/product/merchandise/hario-ceramic-coffee-dripper/\)](/product/merchandise/hario-ceramic-coffee-dripper/)**Hario Ceramic Coffee Dripper** [\(/product/merchandise/hario-ceramic-coffee-dripper/\)](/product/merchandise/hario-ceramic-coffee-dripper/)\$23.00 [\(/product/merchandise/hario-ceramic-coffee-dripper/\)](/product/merchandise/hario-ceramic-coffee-dripper/)[\(/product/coffee/intelligentsia-house-blend/\)](/product/coffee/intelligentsia-house-blend/)**Intelligentsia House Blend** [\(/product/coffee/intelligentsia-house-blend/\)](/product/coffee/intelligentsia-house-blend/)\$14.00 [\(/product/coffee/intelligentsia-house-blend/\)](/product/coffee/intelligentsia-house-blend/)

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**F2479-8-4OBZ**

Regular price: \$1,349.95  
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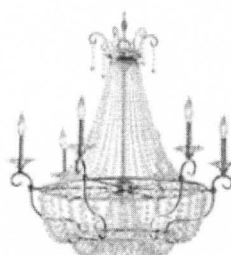
**SF301BUS**

Regular price: \$599.95  
**Sale price: \$419.95**



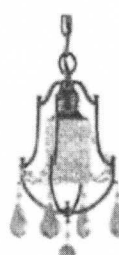
**F2473-1GS**

Regular price: \$429.95  
**Sale price: \$309.95**



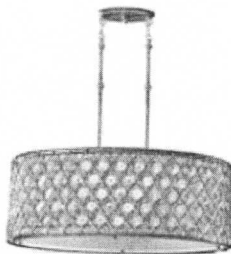
**F2708-6BUS**

Regular price: \$1,649.95  
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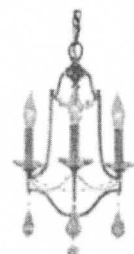
**F2624-1OBZ**

Regular price: \$349.95  
**Sale price: \$249.95**



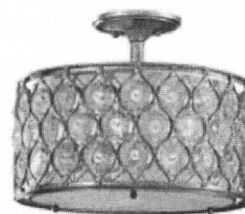
**F2569-3BUS**

Regular price: \$1,279.95  
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**F2623-3OBZ**

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**SF289BUS**

Regular price: \$709.95  
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## **EXHIBIT C**

Thursday, 13 June 2013

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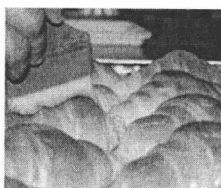
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#### Welcome to El Gallo Bakery

Magdalena Martinez-Huerta and her brother Lauro, opened EL GALLO BAKERY in 1949. They were following in their father's entrepreneurial footsteps. He had owned bakeries in Mexico since the early 1920's.

Creating the "Best Traditional Panes Dulces in the USA" was a challenge for Magdalena, because she wanted authentic-tasting baked goods, just like those made in her father's bakeries in Mexico but she had to use American ingredients. So over a period of time, she developed and refined her recipes, using more refined materials, like high gluten flour, sugar, yeast and among others.

Jesus Huerta, now runs El Gallo Bakery bringing it into the 21st century with modern equipment like huge mixers, ovens, sheeters, proffers and huge walk-in refrigerator.

The shop's panes dulces are still as meticulously crafted as if they'd been made in a traditional Mexican shop, using the recipes Magdalena developed decades ago.

*"Era el año 1949. El mundo se estaba recuperando de la segunda gran guerra, Frank Sinatra rodaba en Hollywood 'De aquí a la eternidad', y la panadería El Gallo empezaba a repartir bolillos en el Este de Los Angeles."*



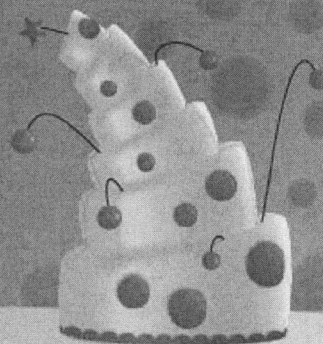
Visit us at [yelp](#) and check out what our customers think about us.

## EL GALLO GRILL



# Gallo's Bakery

custom cakes and cupcakes for every occasion



● Home

Menu

Photos of cakes and cupcakes

Contact us

Since 1985, our full-line bakery has served a variety of businesses and individuals with gourmet cakes and pastries created with their specific needs in mind. Our experienced bakers work only with the finest ingredients to bring you unsurpassed quality and freshness that only our skilled staff can provide.

The Gallo Name is synonymous with impeccable quality. With our fervent commitment to authentic taste and outstanding customer service, The Gallo Family strives not only to maintain its superior line of cakes and pastries, but to recognize the individual needs of each of our customers.

Gallo's Bakery specializes in custom designed cakes and cupcakes for all occasions. We will personally sit down with you and discuss your cake in detail. If you would like to contact our managers to set up a consultation, or if you have any questions, you can contact us at [galloscakes@yahoo.com](mailto:galloscakes@yahoo.com). Please note, DO NOT send orders via email, also if sending pictures or templates for your order please send it 2 days in advance prior to your date of pick up. The Gallo's managers only answer emails between the hours of 8am-2pm, we will not respond after 2pm or after store hours.

**With 3 locations to suit you, Gallo's Bakery is only a short drive away!!**

*\*please call locations for store hours\**

3701 Church Road  
Mount Laurel, NJ  
08054  
**856-866-2333**

600 North Kings Highway  
CVS Shopping Center  
Cherry Hill, NJ 08002  
**856-482-2662**

Marlton Greene  
Route 70/73 Circle  
Marlton, NJ  
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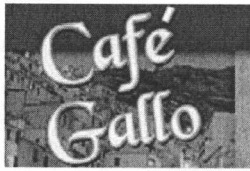
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## Cafe Gallo Pizza

1153 Inman Avenue  
Edison, NJ 08820  
908-756-5752

### Delivery / Pickup Hours

Thu 10:30AM — 10:00PM

Fri 10:30AM — 10:00PM

[View Schedule for All Days](#)

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Skip the phone, the busy signals, and the hold times. Cafe Gallo Pizza is accepting online orders!

[Location](#)

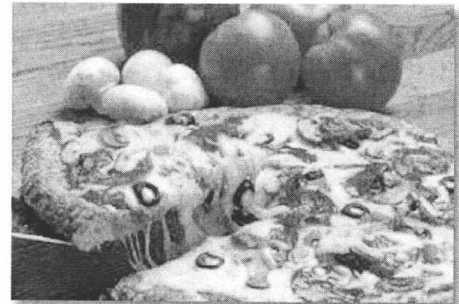
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About Cafe Gallo Pizza — Order your favorite pizza, pasta, salad, wings, subs, and more with Cafe Gallo Pizza located at 1153 Inman Avenue, Edison, NJ 08820. Cafe Gallo Pizza has always given the people of Edison quality food, fast delivery, and great customer service... all at a palatable price. Our pizza, pasta, and meats are prepared freshly daily in our kitchens — and that's our guarantee.

On behalf of Cafe Gallo Pizza, we wish to thank our loyal customers for their patronage and pledge to continue to uphold the high standards on which Cafe Gallo Pizza was founded.

Cafe Gallo Pizza is now accepting online orders for delivery or takeout. Enjoy!



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## Tuesday Night Steak & Cake \$24

### Includes:

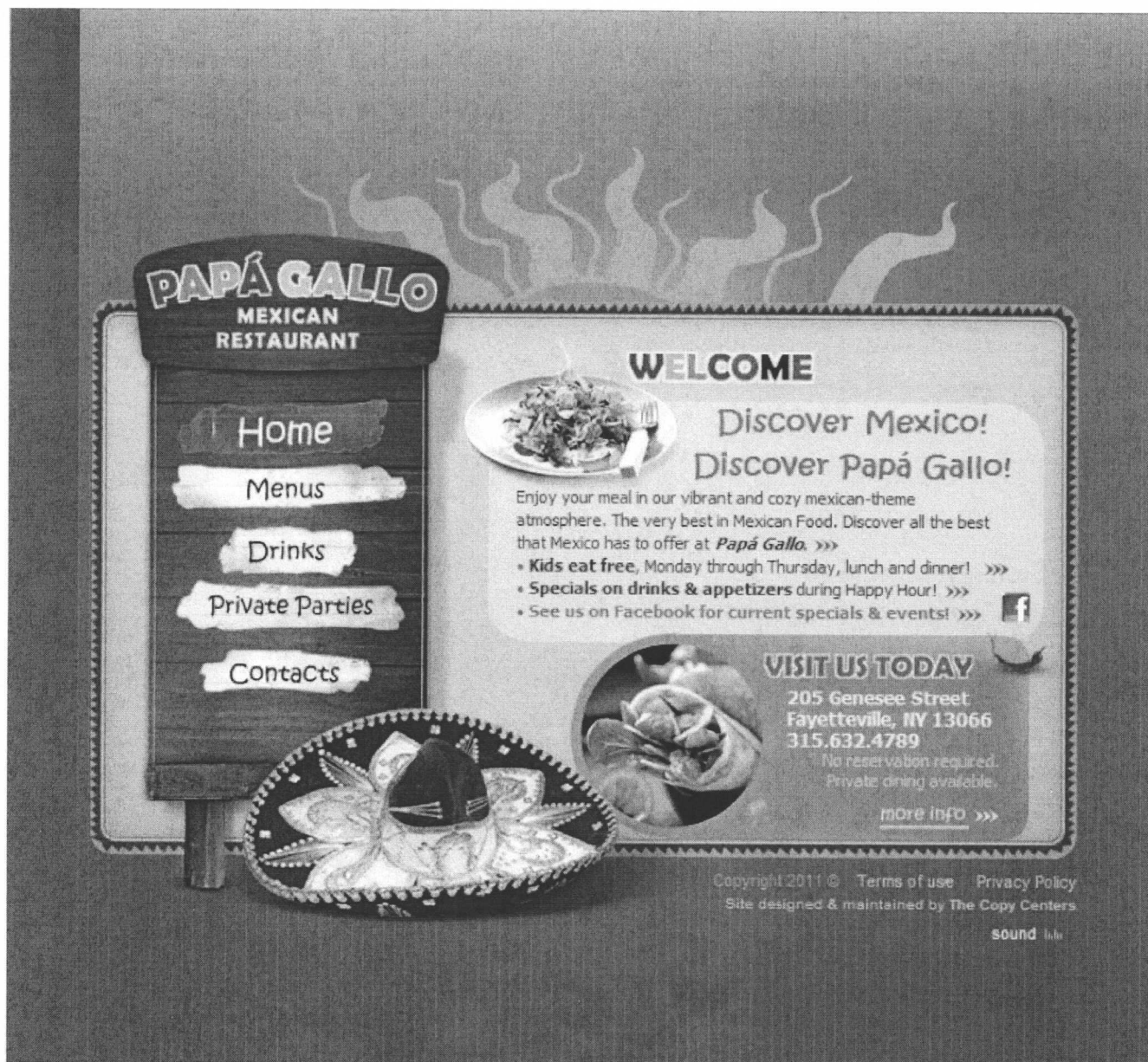
-Caesar Salad, Garden Salad,  
or Manhattan Clam Chowder

- 8 oz. Angus Sirloin Steak &  
Our Famous Jumbo Lump Crab Cake  
with a Choice of 2 Sides

-Warm Apple Cobbler w/ Vanilla Ice Cream  
or Gallo's Cheesecake & Coffee or Hot Tea

Available Tuesdays from 3pm to 9pm  
For a Limited Time

Welcome to Gallo's Seafood! Serving the freshest fish and shellfish since 1966. True Atlantic Fluke, North Atlantic Canadian Salmon, Day Boat Sea Scallops, and Wild Mexican Shrimp are featured along with our famous Jumbo Lump Crab Cakes and many seasonal favorites. Traditional preparations along with contemporary specials are offered. We have a large selection of domestic, imported, and local craft beers, a wine list, and hand-crafted specialty cocktails.




**PAPÁ GALLO**  
MEXICAN  
RESTAURANT

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**WELCOME**

**Discover Mexico!**  
**Discover Papá Gallo!**

Enjoy your meal in our vibrant and cozy mexican-theme atmosphere. The very best in Mexican Food. Discover all the best that Mexico has to offer at *Papá Gallo*. >>>

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- Specials on drinks & appetizers during Happy Hour! >>>
- See us on Facebook for current specials & events! >>> 


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Fayetteville, NY 13066  
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*Welcome to GalloRestaurant.com*

THE FINEST COLOMBIAN CUISINE

3 East Main Street, Patchogue, NY. Located at "Patchogue's Famous Four Corners"



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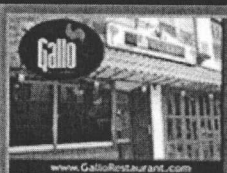
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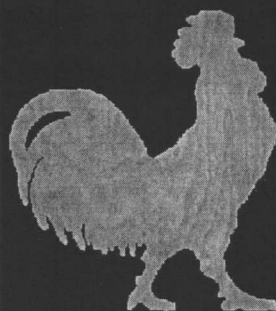
## **TAP ROOM**

EST. 2004

*"the best sports tavern in Columbus"*

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COLUMBUS, OHIO 43214  
614.457.2394

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# *Gallo's*

## **KITCHEN & BAR**

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06/13/2013

7:00 PM

2 people

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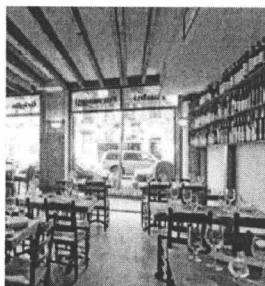
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### Gallo Nero

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**Address:**  
402 West 44th Street  
New York, NY 10036

**Neighborhood:**  
Hell's Kitchen

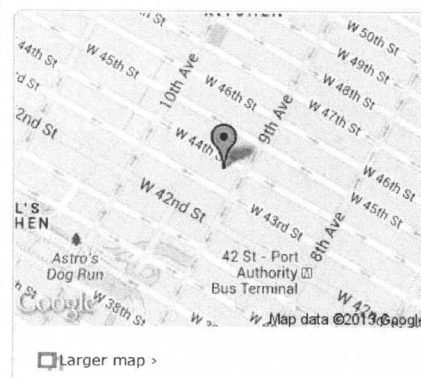
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**Cuisine:**  
Italian  
**Price:** \$30 and under  
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Treatful by OpenTable lets you send gift cards to Gallo Nero online. It's the perfect gift and delivered instantly by email!

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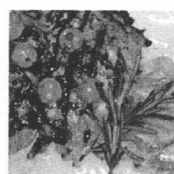
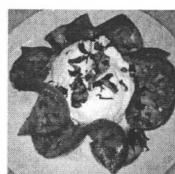
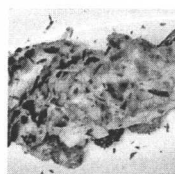
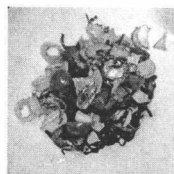


## A word from Gallo Nero

Gallo Nero is the new hidden gem of Hell's Kitchen. Located on 44th Street, between 9th & 10th Avenues, Gallo Nero has the great promise of becoming a new breed of trattoria with an exceptional wine selection. It's rustic feel is in tune with the wine and the friendly service only makes the place...

[Continued](#)

## Foodspotting photos



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## Featured Reviews

"**This is my fourth time to visit** Gallo Nero. I have not been in a year or so. I thoroughly enjoyed the experience. I had ..."

*Dined on 6/5/2013*

"**The problem I had was with the** menu. I had expected an Italian restaurant, if not the usual standards one finds everywhere..."

*Dined on 5/23/2013*

"**Since its on the other side of** 10th, it does not get the tourist traffic the haunts the midtown theater district. Small ..."

*Dined on 5/20/2013*

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## **EXHIBIT D**



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galoppo  
galoscia  
galvanizzare  
galvanizzazione

**gallo** LISTEN: ITALIAN /'gallo/

Definizione | Conjugator | in context | images

WordReference

Collins

WordReference English-Italiano Dictionary © 2013:

### Principal Translations/Traduzioni principali

**gallo** *nm* (uccello domestico) rooster, cock *n*

### Additional Translations

**gallo** *agg* (della Gallia) Gaul *n*

**gallo** *nm* *figurato* (uomo superficialmente galante) *figurative* rooster, cock *n*

Gli piace fare il gallo con le donne.

Segnala un errore

WordReference English-Italiano Dictionary © 2013:

### Compound Forms/Forme composte

**canto del gallo** *nm* cock-crow  
**gallo cedrone dalla coda appuntita** sharp-tailed grouse  
**gallo da combattimento** fighting cock  
**gallo da combattimento** gamecock  
**gallo del pollaio** cock of the walk  
**gramigna, attaccavesti, piè di gallo, spigolina** (pianta) goose grass

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'gallo' found in these entries

In the Italian description:

cappone- galletto- gallina- pollo

Inglese:

chanticleer- cock- rooster- bantamweight- cock of the walk- cock-crow-  
cockcrow- cockscomb- coxcomb- crow- fighting cock- gamecock- Gaul-  
grouse- sharp-tailed grouse- weathercock

**Forme flesse di 'gallo' (n):** pl: gallo

**Forme flesse di 'gallo' (adj):** f: galla, mpl: galli, fpl: galle

### Forum discussions with the word(s) 'gallo' in the title: Discussioni nei forum nel cui titolo è presente la parola 'gallo':

A gallina fa l'uovo, e a 'o gallo li'abbruccia 'o culo  
coda di gallo  
fare il gallo in giro  
fare il gallo, il tacchino - forum Solo Italiano  
Primo dell'anno il passo d'un gallo  
Svegliate con il gallo

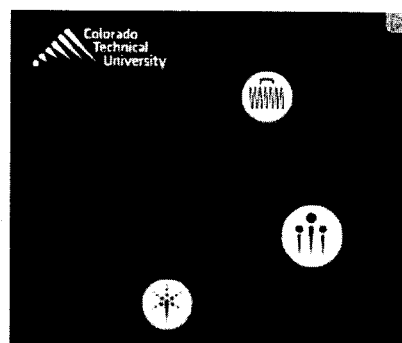
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3	85137500		ROOSTER BRAND	TSDR	LIVE
4	85420349		CHEF LINDA'S ROOSTER	TSDR	LIVE
5	85728099		TORIMARU	TSDR	LIVE
6	85748165		ROOSTER ALARM	TSDR	LIVE
7	85457578	4303670	KIKIRIKI DRUMSTIX	TSDR	LIVE
8	85539048	4300266	HAPPY ROOSTER	TSDR	LIVE
9	85539183	4297373	HAPPY ROOSTER COFFEE	TSDR	LIVE
10	85683749		ROOSTER SAUCE COMPANY	TSDR	LIVE
11	85493134	4183265	BLUE ROOSTER	TSDR	LIVE
12	85493063	4183260	BLUE ROOSTER	TSDR	LIVE
13	85422865		ROOSTER MAYO	TSDR	LIVE
14	85014836	3882982	SINGING ROOSTER	TSDR	LIVE
15	85048088	3988451	RED ROOSTER COFFEE ROASTER ROASTED IN FLOYD, VIRGINIA WWW.REDROOSTERCOFFEEROASTER.COM COFFEE WITH A CONSCIENCE	TSDR	LIVE
16	85153223	3977223	RAMBLIN' ROOSTR'	TSDR	LIVE
17	85140558	3966194	BLACK ROOSTER	TSDR	LIVE
18	85005130	3873447	ROOSTER BROTHER	TSDR	LIVE
19	78598944	3311708	GALLETTO D'ORO	TSDR	LIVE
20	78359706	2923234	THE ROOSTER	TSDR	LIVE
21	77675728		BARTLETT A ROOSTER	TSDR	LIVE
22	77675772	4326233	ALBERT BARTLETT ROOSTER	TSDR	LIVE

23	77876764	4067833	GOLDEN ROOSTER BRAND	TSDR	LIVE
24	77852731	3793074	ROOSTER BAY	TSDR	LIVE
25	77852727	3793073	ROOSTER BAY	TSDR	LIVE
26	77745594	3871982	REMY ROOSTER	TSDR	LIVE
27	77686937	3753445	PICO DE GALLO	TSDR	LIVE
28	77580606	3684290	CRAZY ROOSTER	TSDR	LIVE
29	77339436	3623926	DOODLE THE ROOSTER	TSDR	LIVE
30	76337435	3136121	WILD ROOSTER	TSDR	LIVE
31	76712073		EL GALLO ROJO	TSDR	LIVE
32	76517229	2853035	ROOSTER FARMS	TSDR	LIVE
33	75581521	2288024	LECOQ CUISINE CORP.	TSDR	LIVE
34	75288735	2264003	EL GALLITO	TSDR	LIVE
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5	85523864	4209346	COCK BRAND MARQUE DEPOSEE	TSDR	LIVE
6	85975750	4091173	COCK-A-DOODLE DOUGHNUTS	TSDR	LIVE
7	85309882	4067043	COCK-A-DOODLE DOUGHNUTS	TSDR	LIVE
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